

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois	}	
	}	
Petition for a Certificate of Public Convenience	}	
and Necessity, pursuant to Section 8-406.1 of	}	
the Illinois Public Utilities Act, and an Order	}	
pursuant to Section 8-503 of the Public Utilities	}	Case No.: 12-0598
Act, to Construct, Operate and Maintain a New	}	
High Voltage Electric Service Line and Related	}	
Facilities in the Counties of Adams, Brown, Cass,	}	
Champaign, Christian, Clark, Coles, Edgar,	}	
Fulton, Macon, Montgomery, Morgan, Moultrie,	}	
Pike, Sangamon, Schuyler, Scott, and Shelby,	}	
Illinois.	}	

INITIAL BRIEF OF THE COLFAX-SCOTT LAND PRESERVATION GROUP

I. INTRODUCTION

NOW COMES the Colfax-Scott Land Preservation Group (hereinafter referred to as “CSLPG”), by and through its attorneys, Edward D. McNamara, Jr. and Joseph H. O’Brien of McNamara & Evans, and for its Initial Brief, states as follows:

II. REQUIREMENTS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

This matter comes on now for briefing on the Petition of Ameren Transmission Company of Illinois (hereinafter referred to as “ATXI”) for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Public Utilities Act. ATXI elected to file its Petition pursuant to 220 ILCS 5/8-406.1, expedited procedure, which provides in relevant part as follows: “The Commission shall issue its decision with findings of fact and conclusions of law granting or denying the application no later than 150 days

after the application is filed.” Based up the foregoing, this matter is bound by certain time constraints. 220 ILCS 5/8-406.1(f) directs that the Commission grant the requested certificate of public convenience and necessity if the following criteria are met:

“(1) That the Project is necessary to provide adequate, reliable, and efficient service to the public utility's customers and is the least-cost means of satisfying the service needs of the public utility's customers or that the Project will promote the development of an effectively competitive electricity market that operates efficiently, is equitable to all customers, and is the least cost means of satisfying those objectives.

(2) That the public utility is capable of efficiently managing and supervising the construction process and has taken sufficient action to ensure adequate and efficient construction and supervision of the construction.

(3) That the public utility is capable of financing the proposed construction without significant adverse financial consequences for the utility or its customers.”

III. OVERALL NEED FOR THE PROPOSED FACILITIES

CSLPG has no position as to the overall need for the proposed project.

IV. LEAST COST AND THE PROPOSED TRANSMISSION LINE ROUTES

H. Sidney – Rising

1. Length of the Line

The ATXI proposed Primary Route would run 24.2 miles, while the ATXI proposed Alternate Route would run 33.8 miles. (ICC Staff Exhibit 1.0R, 53:1109-1110)

2. Difficulty and Cost of Construction

The ATXI proposed Primary Route has estimated construction costs of \$40,482,000.00. The ATXI proposed Alternate Route has estimated costs of \$65,122,000.00. The proposed Primary Route is far and away the least cost option, some \$24.64 million less than the cost estimate for the Alternate Route. (ATXI Exhibit 16.3) In terms of construction difficulty, the Primary Route would contain an estimated six dead-end structures, compared to eight for the Alternate Route. (ICC Staff Exhibit 1.0R, 53:1109-1110)

3. Difficulty and Cost of Operation and Maintenance

Considering that the ATXI proposed Primary Route is far and away the shortest of the routing options, it would stand to reason that the ATXI proposed Primary Route presents the most ease of access for operation and maintenance.

4. Environmental Impacts

CSLPG has made clear the concerns it has with the negative environmental impacts posed by the ATXI proposed Alternate Route in Direct Testimony and Rebuttal Testimony. (Intervenor CSLPG Exhibits 1.0, 2.0, 3.0, and 4.0) No evidence or testimony has been presented herein as to negative environmental impacts posed by the ATXI proposed Primary Route.

5. Impacts on Historical Resources

CSLPG takes no stand as to the varied impact in historical resources presented by the ATXI proposed Primary and Alternate Routes.

6. Social and Land Use Impacts

As was the case with cost of operation and maintenance, it stands to reason that a shorter route would present the least impact in terms of social and land use factors. The proposed Primary Route is the far shorter of the two routing options.

7. Number of Affected Landowners and other Stakeholders and Proximity to Homes and other Structures

ATXI Petition Exhibit C included a list of potentially affected landowners for each route segment for both the proposed Primary and Alternate Routes. The list of affected landowners along the proposed Primary Route for the segment from Sidney to Rising included 105 names. The list of affected landowners along the proposed Alternate Route for the segment from Sidney to Rising included 154 names.

8. Proximity to Existing and Planned Development

CSLPG has made clear the misgivings it has with the construction of any 345 kV line along and upon the rich agricultural land which is the interest herein of the CSLPG. Deborah Klein

summarized the basis for the CSLPG opposition in her Direct Testimony as follows: “[A] desire to maintain the integrity of the primarily farmland which comprises the various land parcels in which we have an interest. The proposed Alternate Route would compromise not only the integrity and viability of the land itself, but also jeopardize existing methods of irrigation and subsurface tilling, as well as present environmental and safety concerns to the area. Farmland located in Scott and Colfax Townships, Illinois, is recognized worldwide as some of the best in the world, as it is flat, black, high in organic matter, and located over water aquifers, with shared drainage in place. This is a limited resource and more cannot be produced.” (Intervenor CSLPG Exhibit 1.0, 3:46-54) Many of the farms which comprise the land which is the interest of CSLPG have ongoing and very meaningful relationships with larger corporate interests, relationships which are integral to maintaining the fiscal viability of the farms. John Boland, in his Direct Testimony, described one such relationship as follows: “My property is used for a nursery for AgReliant Seed Company. AgReliant would have serious reservations about the potential liability of allowing their employees to work under and around a 345 kV line. AgReliant would also be concerned with the fact that their plots are currently sprayed by air, which would prove impossible with the presence of a 345 kV line.” (Intervenor CSLPG Exhibit 2.0, 4:85-5:89)

9. Community Acceptance
CSLPG is a collective of twenty-one (21) intervening interests to this proceeding. Each intervening interest represents more than simply an individual or single parcel of land. CSLPG is a collective of what it believes would otherwise represent 21 unique Petitions to Intervene in this proceeding. The group is made up of individuals, residents, landowners, farmers, and otherwise interested parties, all with an interest in land along and/or upon the general path of the Project which is the subject of this proceeding, and within Champaign County, Illinois. If approval were given to the

ATXI proposed Alternate Route, such approval would stand in the face of the sentiments of CSLPG. No such opposition has been raised toward the ATXI proposed Primary Route. Approval of the ATXI proposed Alternate Route will never be accepted by CSLPG.

10. Visual Impact

The land which is the interest of CSLPG is almost exclusively prime farmland, the landscape and contour of which is virtually pristine and unblemished from its natural existence. Construction of a 345 kV line along and upon the land which is the interest of the CSLPG would be a clear disruption this visually stunning land.

11. Presence of Existing Corridors

Neither of the routing options presented by ATXI utilizes to any great extent an existing corridor, but the much of the proposed Primary Route would utilize land rights which have long since been acquired. (ICC Staff Exhibit 1.0R, 53:1105-1108)

V. MANAGING AND SUPERVISING THE CONSTRUCTION PROCESS

CSLPG has no particular position at this time as to management and supervision of the construction process for the proposed project.

VI. FINANCING THE PROPOSED CONSTRUCTION

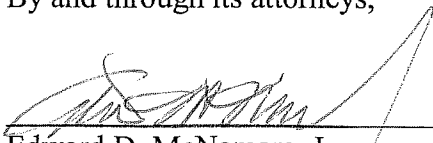
CSLPG has no particular position at this time as to financing the construction for the proposed project.

VII. OTHER

CSLPG would submit, for the foregoing reasons and based on an overwhelming preponderance of

the evidence presented in this matter as it relates to the requirements set forth in 220 ILCS 5/8-406.1(f), that the clear least cost choice of routing options presented for the segment of the Project from Sidney to Rising would be the ATXI proposed Primary Route. The proposed Primary Route not only poses the least cost choice but also the choice with the least impact on potentially affected landowners. (ATXI Petition Exhibit C) After all opportunity for community comment, landowner and other stakeholder intervention, and presentation of testimony, ATXI named as its Rebuttal Recommended Route for the segment from Sidney to Rising the ATXI proposed Primary Route. (ATXI Ex. 13.0C, 67:1439-1441) Commission Staff Witness Greg Rockrohr presented testimony in this matter and appeared for cross examination at hearing. Mr. Rockrohr has no vested interest nor any possible conflict of interest and truly stands as the only disinterested or objective witness whose testimony is now before the Commission. Mr. Rockrohr, after examination, analysis, and visit to the various route proposals, and testifying from his expertise as Senior Electrical Engineer within the Energy Engineering Program of the Safety and Reliability Division of the Illinois Commerce Commission, summarized his findings as follows: "ATXI's primary route is far shorter and would require fewer dead-end structures, and thus in my opinion is the best choice. In addition, based upon the record in Docket 12-0080, it is my understanding that AIC's legacy utility already acquired land rights for much of this transmission line route, so that for many years landowners along ATXI's primary route have been aware of the possibility of a transmission line." (ICC Staff Exhibit 1.0R, 53:1103-1108)

Respectfully Submitted,
Colfax-Scott Land Preservation Group,
By and through its attorneys,



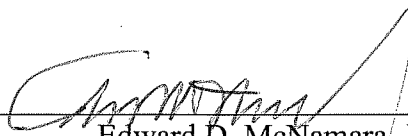
Edward D. McNamara, Jr.
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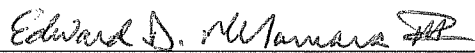
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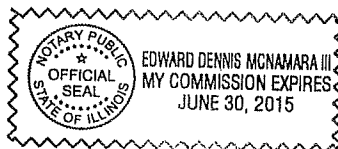
STATE OF ILLINOIS }
 }SS
COUNTY OF SANGAMON }

Edward D. McNamara, Jr., being first duly sworn, deposes and says that he is authorized to execute this Initial Brief; that he has read the above and foregoing document, has knowledge of the facts stated therein; and herewith states that the matters set forth therein are true in substance and in fact.

Subscribed and Sworn to before me
this 3rd day of June, 2013.



Edward D. McNamara, Jr.


Notary Public



CERTIFICATE OF SERVICE

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the foregoing Initial Brief on the individuals shown on the attached Service List, via electronic mail, on June 3, 2013.


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